



**Land for Maine's Future Program**  
Minutes of the Meeting  
**May 31, 2019**  
19 Elkins Lane, Elkins Building, Room 214  
Augusta, Maine

**Board Members Present:**

Commissioner Patrick Keliher (Chairman), Commissioner Amanda Beal, Robert Meyers, Barbara Trafton, Don Kleiner, Lisa Turner, and Jim Norris

**Staff Members Present:**

Sarah Demers, Tom Miragliuolo, and R. Collin Therrien

**Others:**

Bob Baines, Spruce Head Group

Deirdre Gilbert, DMR

Robert Marvinney, DACF

Ed Meadows ACACET Group (Citizen of Orono)

Diano Circo, MDIFW

Liz Petruska, DACF BPL

Bethany Atkins, MDIFW

Jerry Bley, Creative Conservation, LLC Stephanie Gilbert, DACF, Bureau of Agriculture

April Costa, Maine Farmland Trust

Andy Cutko, DACF, BPL

Molly Docherty, DACF, MNAP

**1. Welcome and Introductions:**

**Commissioner Keliher: Chairman**, called the meeting to order at 1:02 p.m., welcomed everyone, and asked for introductions.

- Pointed out where sign in sheet was as well as the restrooms. Recognized Board members who are no longer part of the Board: Fred Bucklin, Harry Ricker, and Brad Moll and thanked them for their service, particularly with the Appraisal Oversight Committee.
- Welcomed new Board members Barbara Trafton and Jim Norris.

**2. Minutes:**

**Chairman Kleiner:** presented the meeting minutes from March 26, 2019.

**Motion to accept minutes:** Don Kleiner moved to accept March meeting minutes. Seconded by Bob Meyers.

**Questions:** Barbara Trafton inquired about a comment made in the March meeting minutes directed to Access Improvement grants and projects with site improvements that include parking spaces that should be able to accommodate for buses.

**Sarah:** Harry made a recommendation that this be a consideration for future projects, but not a requirement for any current projects.

Discussion regarding the recommendations and results occurred.

**Chairman Keliher:** We have a motion to accept the March meeting minutes and a second; any further questions or objections. Seeing none.

**Motion to pass:** Unanimously.

**3. Bond Balances -LMF Director:**

Authorized	Bonds To Be Sold	Cash on Hand
PL 2009, Ch. 645		\$2,609,869
C&R	\$0	
Farmland	\$0	\$383,559
Working Waterfront	\$0	\$276,685
<b>Funds Remaining</b>	<b>\$0</b>	
PL 2011, Ch. 696	\$0	\$3,175,000
C&R, Farmland, WWF		
<b>Total Funds Remaining</b>		<b>\$6,445,113</b>

Sarah reports that all bonds have been sold. There is a balance of \$6,445,113 cash on-hand, with 2009 allocations for Farmland and Working Waterfront being Bond specific allocations. The 2011 bonds had no requirements for those allocations.

**4. Project Allocations & Status – LMF Director:**

Active Projects		Allocations
C&R	10	\$2,227,350
Farmland	2	\$163,000
Water Access	3	\$328,555
<b>Working Waterfront</b>	<b>2</b>	<b>\$421,500</b>
<b>TOTAL</b>	<b>17</b>	<b>\$3,140,405</b>

Projects Closed: Woodward Point, Hope Woods  
 June Closings Anticipated: Robinson Pond South, Yarmouth Riverfront, Bethel Community Forest.

Sarah reports that there are 2 Working Waterfront (“WWF”) projects that have been on the books since before Sarah became Director. These projects are not moving forward and later in the agenda there will be a recommendation made to have these funds re-allocated and made available for new WWF projects.

There are 17 active projects currently; the number of active projects will be reduced to 15 once the 2 WWF projects are removed, and potentially will increase after Board recommendations for new working waterfront projects later today.

Since our last meeting there have been 2 project closings, Woodward Point project and Hope Woods project. We anticipate closing on Robinson’s Pond South, in Cape Elizabeth; and Yarmouth Riverfront Preserve, as well as Bethel Community Forest in the next few weeks.

**Chairman Keliher:** Any questions for Sarah?

**Jim Norris:** The two projects you reported closed are they Conservation or Water Access?

**Sarah:** They were both Conservation & Recreation Projects.

**Chairman Keliher:** Any additional questions for Sarah?

**Sarah:** In closing, we have over \$3 million in commitments, and \$6 million balance of cash on-hand.

**Jim Norris:** Are they truly unallocated funds?

**Sarah:** Well we will be selecting a new slate of working waterfront projects today, so most likely that funding amount will shrink, considerably, today.

**Chairman Keliher:** That takes us through items #3 and #4 on the agenda; moving forward, unless further comments or questions. Seeing none.

##### **5. Appraisal Oversight Committee appointment:**

Sarah mentions that we are looking for one more member for the Appraisal Oversight Committee.

**Chairman Keliher:** It is my understanding that Don Kleiner has volunteered.

**Don Kleiner:** I said I would if no one else was interested in doing it, with the caveat that this isn’t my strength.

**Lisa:** Join the club, join the rest of the committee, you aren’t alone.

Sarah offers some clarification to board members present that, with Fred leaving and Brad leaving it left the AOC with just two on the committee. Staff currently has three appraisals that need to be reviewed. It felt like a sense of urgency to have a third person on this committee in order for LMF to be able to continue business as usual and not have to slow down our projects. Thank you, Don, for volunteering.

**Jim Norris:** I would like to volunteer.

**Lisa** adds that having four people on the Committee would be great; this way if a member can’t attend, the Committee can still function.

**Barbara** expressed her interest also, that she would like to be invited to meetings given her realtor experience, and familiarity with appraisals.

**Chairman Keliher:** Sarah, do we have anything further for this.

**Sarah:** Nothing further, AOC is up and going and ready to roll with 4 board members on board.

##### **6. Working Waterfront Project Selection – DMR & LMF Staff**

- LMF Funds available for WWAPP proposals – LMF Director reports.

## Working Waterfront Access Protection Program

Bond Fund	Allocation
PL 2009, Ch. 645 <small>(Bond allocation)</small>	\$276,685
PL 2011, Ch. 696 <small>(Board allocation - 10/27/17)</small>	\$692,500
PL 2011, Ch. 696 <small>(Board allocation - 11/13/18)</small>	\$1,030,815
Subtotal	\$2,000,000
LMF Legal set-aside 10% <small>(Board allocation - 11/13/18)</small>	-\$200,000
<b>Total available for projects</b>	<b>\$1,800,000</b>

**Board Vote:** To deallocate \$264,000 in LMF funds from the Prospect Holdings project selected as a finalist in November 2011 and \$157,500 from the Medomak Shellfish project, selected by the Board as finalist in November 2014.

There's Board Discussion about WWF funding and Board Action to deallocate \$421,500.00 in WWAPP funds from two defunct projects.

Motion needed to close out two projects:

Prospect Holdings: \$264,000.00 selected in November 2011

Medomak Shellfish: \$157,500.00 selected in November 2014

**Motion:** Bob Meyers made a motion to deallocate working waterfront funds from the Prospect Holdings and Medomak Shellfish projects. The motion was seconded by Lisa Turner.

Don Kleiner asks, are we certain these projects won't move forward? I notice the dates, but I want to make sure the projects are aware of a change in their funding status.

Tom: Prospect Holdings property changed hands a few times and has spent a lot for legal costs and time trying to determine the project scope and scale but has never moved forward. Tom continues: Medomak Shellfish property had a deed restriction that restricted commercial fishing use on the property. The applicant wasn't willing or able to lift this restriction from the deed. We haven't heard from them in over 5 years.

**Don Kleiner:** I am reassured.

**Sarah:** We will make sure the files are clearly updated of the issues.

**Chairman Keliher:** Any further questions, comments or objections. Seeing none.

**Motion passes without objection.**

**Chairman Keliher:** Welcome Commissioner Beal. We will get you caught up after the meeting if you need.

- **Overview of DMR Review Panel Process – DMR**

**Sarah:** Before Deirdre starts introducing the new Working Waterfront project proposals, I would like to read through some of the slides (content of slides listed below):

MRS Title 12 ch. 605 sec. 6042

1. The Maine Working Waterfront Access Protection Program is established to provide protection to strategically significant working waterfront property whose continued availability to commercial fisheries businesses is essential to the long-term future of the economic sector.

MRS Title 5 ch. 355 sec. 6203-B

2. The board shall include as a condition of an acquisition or grant made under this section the requirement that the protected property may not be used, altered or developed in a manner that precludes its use by a commercial fisheries business consistent with the provisions of Title 33, chapter 6-A.

MRS Title 12 ch. 605 sec. 6042

3. Selection criteria. The selection criteria with which to evaluate applications for protection of working waterfront property must include, but are not limited to:

- A. The economic significance of the property to the commercial fisheries industry in the immediate vicinity and in the State as a whole;
- B. The availability of alternative working waterfront property in the same vicinity;
- C. The degree of community support for the proposed protection;
- D. The probability of conversion of the working waterfront property to uses incompatible with commercial fisheries businesses; and
- E. The utility of the working waterfront property for commercial fisheries business uses in terms of its natural characteristics and developed infrastructure.

Important Process Reminders:

- DMR Commissioner appoints a review panel to score and recommend projects for DMR sponsorship (established in statute);
- DMR Commissioner determines which projects agency will sponsor for LMF funding;
- LMF Board selects finalists and makes preliminary funding allocations;
- Funding allocations to be confirmed by appraisal;
- Appraisals are reviewed by an appraiser contracted by LMF. Appraisal and appraisal review report are reviewed by LMF AOC, with recommendation to LMF Board.
- Working Waterfront projects are encumbered with a Restrictive Covenant giving DMR a right of first refusal, should the owner decide to sell the property. Working waterfront properties are not eligible to qualify for conservation easements under state and federal law, which is why we use the restrictive covenant.

**Sarah:** Now, I will hand this over to Deirdre.

**Deidre:** To remind everyone of the timeline: November the board allocated \$2 million Working Waterfront Access Protection Project. Shortly, thereafter the Department moved forward in issuing a request for letters of intent. So, we were looking to find who would be interested in applying for this round and potentially flag any that wouldn't match the program, to save time for all involved.

We received 13 letters at the beginning of January, and 2 of those projects had clear issues that would eliminate from the process and we notified them. Which left us with 11 potential projects. Proposals were due in March and at the end of the day we received 6 proposals. You will see them below.

## Working Waterfront Access Protection Program - Proposals

Project Name	Acreage	LMF Request	Legal Fund Set-Aside
Spruce Head Fisherman's Co-op, Thomaston	.55 acres	\$276,000	\$27,600
Henry's Point, Town of Jonesport, Jonesport	5+/- acres	\$118,750	\$11,875
Wotton's Wharf, LLC, Bristol	.13 acres	\$68,750	\$6,875
Stonington Lobster Co-op, Stonington	1 acre	\$216,250	\$21,625
Carter's Wharf Boothbay	.59 acres	\$301,500	\$30,150
Interstate Lobster Co-op Harpswell	.54 acres	\$155,000	\$15,500
<b>Totals</b>	<b>7.81 ac.</b>	<b>\$ 1,136,250</b>	<b>\$113,625</b>

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Working Waterfront projects are subject to the same match requirements per bond language.

**Two award options available:**

1. Applicants may apply for up to the full value of the Working Waterfront Covenant, as long as that amount is not greater than 50% of the Fair Market Value (FMV) of the property.
2. When a covenant value is expected to be below 25% of the FMV, the state will entertain award requests of up to 25% of the FMV of the property.

The last time we issued a request for proposals was back in 2015.

**A. Spruce Head Fisherman's Co-op, South Thomaston, Knox County, .55± acres in covenant to the Department of Marine Resources.**

- Parking and storage area
- 54 active co-op members
- Colby property eliminates risk of needing to move existing floats
- Supports a heavily used existing WWAPP property
- Request \$276,000 - (covenant value then reduced not to exceed 50% of FMV)

Discussion ensued amongst Board members.

**B. Henry's Point, Town of Jonesport, Jonesport, Washington, County, 7± acres in covenant to the Department of Marine Resources.**

- Town has pre-acquired property

- Well protected behind breakwater
- 5-6 acres
- Planned improvements; parking, boat ramp, floats, hoist,
- Currently the only access is Jonesport Marina and a state-owned facility intended for recreational use.
- Request \$118,750 (25% of FMV prior to carving out campground)

Discussion amongst Board members.

**Chairman Keliher:** Since, there are quite a bit of question for this one, why don't we set this one aside it may need to have a move specific motion in regard to conditions. Moving to next.

**Sarah:** I would like to do a time check and give us a goal to get through the rest of these project in the next 45 minutes.

**C. Wotton's Lobster Wharf, LLC, Bristol, Lincoln County,  
.13± acres in covenant to the Department of Marine Resources**

- 24' x 165' commercial wharf
- Bait storage
- 4 fishing vessels
- Lobster, bluefin tuna, crabbing
- Intend to use funds for new fuel pumps, new float with lobster crate storage
- Request \$68,750 (25% of FMV)

**Chairman Keliher:** Any questions, comments, concerns. Moving to next

**D. Stonington Lobster Co-op, Stonington, Hancock County,  
1± acres in covenant to the Department of Marine Resources**

- 80 total members/owners;
- Lobster operations, bait storage, fuel, hydraulic hoist, and 2,564 square foot wharf;
- 40 boats at this property (80 total);
- These 40 boats manned by 100 fishermen;
- Request \$216,250 (25% of FMV);

Discussion amongst Board members.

**Chairman Keliher:** Any further questions, comments, concerns. Moving to next.

**E. Carter's Wharf, Boothbay, Lincoln County  
.59± acres in covenant to the Department of Marine Resources**

- Pre-acquired specifically to preserve working waterfront. During pre-acquisition a deed restriction was added limiting use only to commercial fisheries activities.
- Request \$301,500 (25% of FMV)

**Discussion amongst Board members.**

**Chairman Keliher:** why don't we set this one aside it may need to have a move specific motion in regard to conditions. Moving to next.

**F. Interstate Lobster Co-op, Harpswell, Cumberland County  
.54± acres in covenant to the Department of Marine Resources**

- Wharf upgrades and expansion
- Bait house with modern cooling
- Diesel and gasoline
- Shared ROW with another WWAPP project

- Request \$155,000 (25% of FMV)

**Discussion amongst Board members.**

**Motion:** Lisa Turner moved to allocate requested funds for the following projects: Spruce Head Fisherman's Co-Op, Wotton's Lobster Wharf, Stonington Lobster Co-Op and Interstate Lobster Co-Op. Motion was seconded by Don Kleiner

**Chairman Keliher:** Any discussion? Seeing none. Any objections? Seeing none.

**Motion passes without objections.**

**Sarah:** Going to add that the motion includes "Subject to LMF standard conditions."

**Board:** agreed to add that notation.

**Don:** So, how can we move these remaining projects forward? In the case of Jonesport (Henry's Point) I am a little worried about permits and Boothbay (Carter's Wharf) is a new ownership without a lot of demonstrated experience.

**Chairman Keliher:** I agree. With Carter's Wharf, I think the appraisal process will make things clearer.

Board discussion ensues.

**Carter's Wharf**

**Sarah summarizes Board discussion:** Once the AOC has reviewed and approved the appraisal, the Board will then reconsider their funding allocation. At that time the Board will request the submission of a pier funding plan and capacity plan to ensure it is still a viable working waterfront protection project, and will remain a working waterfront into the future.

**Motion:** Don Kleiner moves to approve a preliminary allocation of \$301,500 for Carter's Wharf subject to the conditions outlined by the Director and subject to LMF standard conditions. Bob Meyers seconds the motion.

**Chairman:** Any questions, comments, objections? Seeing none.

**Motion passes without objections.**

**Henry's Point Town of Jonesport.**

**Motion:** Don Kleiner moves that the LMF preliminary allocation of \$118,750 is conditioned on the Town of Jonesport having started their permitting process by the time the AOC appraisal approval point and provide a report out to the Board on the status of permitting. Motion is seconded by Lisa Turner.

**Jim:** would like to see the last 6 appraisals.

**Tom:** 6 appraisals could give you appraisals that you previously would have been on the committee.

**Jim:** Okay, then the last 3.

**Chairman Keliher:** We need to finalize a motion.

**Motion Re-stated:** To approve the preliminary allocation of \$118,750 for Jonesport (Henry's Point), with a check in at the time that the appraisal has been approved by the Appraisal Oversight Committee, on permitting associated with the launch/wharf/floats that will be needed to make this a viable working waterfront location.

**Chairman Keliher:** Any comments, questions, concerns? Any objections? Seeing none.

**Motion passes without objections.**

**7. Project to be Acted on – LMF Staff**

**A. Annabessacook Lake, Winthrop, Kennebec County, 13± acres**

Sarah Demers presented this water access project.

Applicant: ME Department of Inland Fisheries and Wildlife

Annabessacook Lake Water Access site

- 13 ac. fee acquisition by MDIFW for ADA compliant trailered boat launch facility;
- Location avoids milfoil infestation;
- Supports access for fishing tournaments, commercial baitfish and recreational fishing & boating;
- \$147,000 LMF Request
- \$294,000 appraised value

**Sarah:** The AOC met to review the appraisal but did not decide who of the AOC would report back to the Board.

**Lisa:** It was a great appraisal. It was well done and clear, there weren't any questions.

**Motion:** Bob Meyer moves to accept the recommendations of the Appraisal Oversight Committee to approve the appraisal documenting a value of \$294,000.

**Chairman:** As a committee recommendation, we don't need to have a second. With that, would there be any questions for the AOC or objections? Seeing no objections, the **Motion passes.**

**Announcement of public notice:**

The public notice for the Annabessacook Lake project was advertised in the Kennebec Journal on May 20, 2019 and in the Sun Journal on May 20, 2019. Staff has not received any written comments prior to this meeting, or at the meeting.

**Motion:** Lisa Turner Moves to confirm the total allocation of \$147,000 in LMF Water Access funding to support the fee simple purchase by the ME Dept. of Inland Fisheries and Wildlife of the Annabessacook Lake water access property, subject to standard LMF conditions. The motion is second by Barbara Trafton.

**Chairman:** Any discussion, on the motion?

**Barbara:** Just a question about milfoil? I understand Milfoil was on one site how pervasive is that.

**Sarah:** Introduced Diano Circo, the project manager for IFW.

**Diano:** Large infestation on the southwest end of the lake, which is the shallowest end of the lake. This new location is much deeper about 12 feet and gets deep rather quick. Homeowner's Association and Camp Association have been working with DEP to eradicate the milfoil. I can't give you a direct quote of how much, but near six figures at least for removing the Milfoil on the shallow ends and will continue to work to remove and keep it contained. A policy has recently been put in place to close off that portion of the lake to motorized recreational vehicles, where the milfoil is located.

**Chairman:** Any further questions, regards to the motion? Seeing none. Any Objections? Seeing none.

**Motion passes without objections.**

**8. Maine Department of Inland Fisheries and Wildlife – Water Access Priorities**

Diano Circo presented.  
To Provide fair, equitable, safe and permanent access to Maine's Public Waters.

**Laws of the Water**  
The Massachusetts Bay Colonial Ordinance of 1641-47

- Enables the public to recreate on the surface of Great Ponds, tidal waters, and flowing waters large enough to navigate or float a log

Great Ponds Act

- Allows public pedestrian access to all inland bodies of water greater than 10 acres

Submerged Lands

- State owned under Great Ponds

**Funding**

- USFWS-Wildlife and Sportfish Restoration Program / PR Funds (~\$540,000 p.a.)
- Boat Launch Facilities Fund / Sportsman's Plate (~\$124,000 p.a.)
- Boating Facility Fund-DACF / Maine Gas Tax (~\$150,000 p.a.)

**Additional Funding**

- Land for Maine's Future
- Shore and Harbor Management Fund (DACF Submerged Lands Program)
- Maine Outdoor Heritage Fund

#### Stocking Policy

- The Department stocks public waters to benefit the general fishing public, not just those who own shore frontage on the waters of the State. Therefore, the Department will not stock waters that lack reasonable and equitable public access.

#### Acquisition Prioritization

- Prevent the loss of traditional sites
- Disperse demand
- Maintain serviceability of existing sites
- Expand access on waters with inadequate public access
- Diversify the kinds of settings where access is provided
- Acquisition Priorities Spreadsheet (Regional Biologist's Expertise)
- Juxtaposition to population centers
- ADA goals (10 Miles/16 county seats)
- Opportunity

#### Acquisition Prioritization: Other Factors

- Availability of suitable property
- Budgetary constraints/funding opportunities
- Partnership
- Permitting

Lily Pond – New Gloucester

Togus Pond - Augusta

## 9. Board Notifications & Approvals – LMF Director

### A. LMF Ag. easement template

- To be used with the 2 farmland projects selected in Round 9;
- Consistent with LMF Round 8 template – with customization for project specifics;
- Updates made to comply with recent IRS rulings on: amendments, proportionate value, bargain sale acknowledgement;
- Consolidated Notices, Consents & Discretionary Approvals;
- State will not be a Third-Party holder to the CE for these 2 projects;

AG's Office – Big Picture Recommendations:

- Clarify State Third-Party Enforcement Rights

The State's acceptance of third-party enforcement rights increases the value to the public of the easement by increasing public transparency through the application of the FOAA. I think this is especially important where the conservation easement is receiving funding directly from the State.

- Template Length

Conservation easements are substantially longer than they used to be, and, although this template contains a lot of additions that are very helpful improvements, I am concerned that it is difficult to navigate.

Next Steps:

- LMF Director and attorney to respond to AAG's specific questions and comments on template language;
- Share template with Cooperating Entity for Round 9 Farmland projects selected by the Board.

Future Actions:

- Clarify State agency role as Third Party holder;
- LMF & BAFRR to develop an Ag. easement sub-committee to revise template before any future LMF call for proposals;
- Understand USDA NRCS funding program(s), requirements, timelines and funds available.

**Lisa:** I have a lot of questions, and concerns.

**Don:** Suggested a group, to further consider easements. Question on Staff time is there a capacity at the juncture to have a group/committee. In light of a bond being issued and the world change a lot. This might be our moment.

**Sarah:** In terms of LMF yes, however, it means that we aren't doing other things and or taking on other initiatives.

**Don:** So, can we Mr. Chairman, can we convene a working group to review these Ag easements? Working Forestry?

**Sarah:** Lets do them separately.

**Chairman:** Commissioner Beal, not to put you on the spot. You obviously have experience in this area, and do you think it would be beneficial to have a working group area.

**Commissioner Beal:** Yes, I do feel it would be beneficial, and I have had discussions with Sarah regarding this, I would be interested in being part of it, as well as chairing it if needed.

**Sarah:** So, this a consideration. A sub-committee, to get public input. Outside interest should be involved.

**Chairman:** LMF and Ag staff, but also a public component, would be critically important. From a process standpoint, a motion would be in order.

**Motion:** Don Kleiner moves to direct staff to formulate, with Commissioner Beal's chairmanship, a group to review the easement template and surface important issues that need to be discussed and report back to the Board with guidance. This Board will recognize we are directing staff to do something, and that some of the things we would expect to show up might be delayed. The group will report back by January 2020. The motion was seconded by Bob Meyers.

**Chairman:** We have a motion and a second. Discussion about motion?

**Barbara:** Question, going back earlier in our agenda, there was discussion about a committee working on amendment requests, does that also mean changes in easements?

**Sarah:** Yes, we will be discussing that next in the agenda.

**Chairman:** Any further questions with regards to the motion? Seeing none. Any Objections? Seeing none.

**Motion passes without objections.**

**Don:** Can we get Board members who would like to be part of this group.

**Chairman:** I think two board members, an agriculture staff, and public.

**Board members who would like to serve on this group:** Lisa Turner, and Commissioner Beal.

### **B. Bethel Community Forest Management Plan**

Draft Management Plan developed and reviewed by BPL. LMF PA requires Management Plan to be finalized w/in 1 year of acquisition;

- 2 parking areas identified:
  1. Located on Locke Mountain Rd. (a private road to be owned by MP) will provide spring-fall access and get visitors to the northern end of the property
  2. Located on the property and accessed by North Rd., a public road.

BPL, as DSA, finds that the plan is consistent with the project proposal, with BPL's sponsorship and with the LMF PA.

**Motion:** Bob Meyers moved to accept the Bureau of Parks and Land's recommendation that the Bethel Community Forest draft management plan and identified public access points are consistent with the LMF funding requirement of ensuring public access. Seconded by Lisa Turner.

**Chairman:** Any questions, comments, concerns? Any objections? No objections

**Motion passes.**

### **C. Clark Farm Easement Amendment**

Sarah introduces this agenda item as a 2011 farmland project with DACF-BAFRR named as a 3rd Party Holder to CE, Maine Farmland Trust is the primary easement holder. This is a 217.2 ac. farm with 121 ac. ag. soils/ 88 ac. in production.

LMF funds: \$421,784 Farm + \$113,216 C&R = \$535,000.

No buildings were located on the property at the time easement was granted. The CE allows for 2 possible building areas, and the landowners are now ready to establish the location of these areas.

**Amendment Request:**

- Relocate and re-configure Farmstead Area.
- Total size, 7.1 acres, remains the same;
- 3.8 ac. of farmable land relocated to forested;
- Home to be located in forested area, leaving more land available for farming;
- Ag. structures to be located in remaining original area (3.3 ac.).

**Amendment Request:**

- Reduce the Agricultural Structures Area from 8.5 ac. to 6.1 ac.

**DACF & LMF Analysis of Proposed amendment:**

- ✓ Supports Purposes of the easement;
- ✓ Conforms to the intent of the easement;
- ✓ No materially adverse effect or detracting of Conservation Values - enhances;
- ✓ Reduces impact to farmland soils and makes more land available for ag. production
- ✓ Alternatives do not benefit Conservation Values

DACF-BAFRR Recommendation to LMF Board:

To accept the proposed amendment to the Clark Farm easement to re-locate and re-configure the Farmstead Area and reduce the Agricultural Structures Areas as proposed by Maine Farmland Trust (MFT), subject to the following condition:

- Farmstead Area and Agricultural Structures Areas must be surveyed and monumented;
- MFT completes to DACF-BAFRR satisfaction all required due diligence items;
- Amendment review and acceptance by the Attorney General’s office

Discussion among the Board ensued.

Lisa proposed a change to the recommended Motion which was seconded by Jim Norris: To accept the proposed amendment to the Clark Farm easement to re-locate and re-configure the Farmstead Area ~~and reduce the Agricultural Structures Areas as proposed by Maine Farmland Trust (MFT)~~, subject to the following conditions:

- Farmstead Area ~~and Agricultural Structures Areas~~ must be surveyed and monumented;
- MFT completes to DACF-BAFRR satisfaction all required due diligence items;
- Amendment review and acceptance by the Attorney General’s office

**Chairman:** Motioned by Lisa, seconded by Jim. Questions, comments?

**Sarah:** Can we look at the motion drafted to be sure we aren’t missing anything important information?

**Recommended Motion:**

To accept the DACF- BAFRR recommendation and conditions and authorize the LMF Chair to sign the restated and amended LMF Project Agreement. All documents shall be recorded in the Cumberland County Registry of Deeds once approved by LMF attorney and Attorney General’s office.

Chairman Keliher requested an explanation from the DSA and applicant, Maine Farmland Trust on the proposed configuration of the Farmstead Area and Agricultural Structures Area.

Stephanie Gilbert, Farmland Protection Specialist with DACF – BAFRR introduced herself to

the Board and reviewed the field work she and State soil scientist Dave Rocque did to document the location of prime agricultural soils in relation to the proposed building areas and to understand the topography of the site, both of which were factors in the agencies support of the landowner's proposed site configuration. This, together with the fact that the proposed re-configuration allows more agricultural land to remain in production, shows that the farmer's have really thought through their proposal and are acting in good faith to uphold the conservation purposes outlined in the conservation easement.

After hearing this explanation, Jim withdraws his second to the revised motion made by Lisa.

**Chairman:** We have a recommended motion: To accept the DACF- BAFRR recommendation and conditions and authorize the LMF Chair to sign the restated and amended LMF Project Agreement. All documents shall be recorded in the Cumberland County Registry of Deeds once approved by LMF attorney and Attorney General's office.

**Motion:** Barbara moved to accept the motion, which was seconded by Don.

**Chairman:** Any further discussion?

**Jim:** What happens after this?

**Sarah:** Let's look at the Next Steps slide:

Next Steps:

- ✓ Final approval from USDA, funder and CE holder, on amendment;
- ✓ Review w/ AGs office for approval;
- ✓ MFT update survey, legal description, LMF PA and CE exhibit depicting areas;
- ✓ Due diligence to be reviewed by LMF attorney and AG prior to LMF Board Chair signing amended LMF PA;
- ✓ Executed documents recorded at registry.

**Chairman:** Any further questions, comment, concerns?

**Don:** This amendment request followed the new process for easement amendments; how did you find it?

**Sarah:** So much easier. Only one back and forth, verses 7 or 8 in the past, so it was much more efficient.

**Chairman:** Calls the motion. Seeing no objection, the motion passes.

**10. Staff Updates – LMF Director**

**Sarah will present.**

- Next AOC Meeting: June 6, 2019
- Next Board Meeting: July 23, 2019 – site visit in Bethel

Motion to adjourn made by Barbara Trafton and seconded by Bob Meyers

**Adjourned at 5:05**